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**ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS**

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WASHINGTON, D.C. 20544

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**MEMORANDUM TO: CHIEF JUDGES, UNITED STATES COURTS
CLERKS, UNITED STATES COURTS**

SUBJECT: Electronic Public Access (EPA) Fee Schedule Change (INFORMATION)

The Judicial Conference, at its September 2003 session, amended the language of Section I of the Electronic Public Access Fee Schedule for the appellate, district, and bankruptcy courts, the United States Court of Federal Claims, and the Judicial Panel on Multidistrict Litigation (adopted by the Judicial Conference pursuant to sections 1913, 1914, 1926, 1930, and 1932 of title 28, United States Code). The previous schedule placed a cap on the seven cents per page charge for Internet access to data obtained electronically from the public records of individual cases in the courts, with a maximum \$2.10, the equivalent of 30 pages, for electronic access to any single document. The amendment extends this cap to all case documents, including docket sheets and case-specific reports, with the exception of transcripts of federal court proceedings. The actual implementation of the document cap extension will not take place until the necessary billing software is completed.

The amendment also specifies the individuals and groups whom courts may exempt, upon a showing of cause, including indigents, bankruptcy case trustees, individual researchers associated with educational institutions, courts, section 501(c)(3) not-for-profit organizations and pro bono ADR neutrals from payment of the fees. Courts must find that parties from these specified classes of persons or entities seeking exemption have demonstrated that an exemption is necessary to avoid unreasonable burdens and to promote access to information. Any user granted an exemption must agree not to sell for profit the data obtained as a result. Exemptions may be granted for a definite period of time and may be revoked at the discretion of the court granting the exemption.

The amendment also modifies the policy notes to the access fee schedule to emphasize that courts should not exempt local, state or federal government agencies, members of the media,

attorneys or others who are not members of the groups specified above. The amendment prohibits courts from using the exemption language to exempt all users and dictates that an exemption applies only to access for the specific case or purpose for which it was given.

Additionally, the amendment clarifies that the public access fee applies to electronic court data viewed remotely, and that electronic data is available for viewing free of charge at public terminals in the courthouse. A copy of the new EPA Fee Schedule is attached.

If you have any questions on these matters, please contact Mary Stickney, Chief of the EPA Program, in the Office of Court Administration and Defender Services at (202) 502-1500 or William R. Hinerman, EPA Program Attorney-Advisor, at (202) 502-1500 or via email at William.Hinerman/DCA/AO/USCOURTS.

A handwritten signature in black ink, appearing to read 'Leonidas Ralph Mecham', written in a cursive style.

Leonidas Ralph Mecham

Attachment

cc: Circuit Executives
District Court Executives
Clerks, Bankruptcy Appellate Panels

ELECTRONIC PUBLIC ACCESS FEE SCHEDULE (eff. 9/23/03)

As directed by Congress, the Judicial Conference has determined that the following fees are necessary to reimburse expenses incurred by the judiciary in providing electronic public access to court records. These fees shall apply to the United States unless otherwise stated. No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and bankruptcy administrator programs.

- I. For electronic access to court data via dial up service: sixty cents per minute. For electronic access to court data via a federal judiciary Internet site: seven cents per page, with the total for any document, docket sheet, or case-specific report not to exceed the fee for thirty pages— provided however that transcripts of federal court proceedings shall not be subject to the thirty-page fee limit. Attorneys of record and parties in a case (including *pro se* litigants) receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. No fee is owed under this provision until an account holder accrues charges of more than \$10 in a calendar year. Consistent with Judicial Conference policy, courts may, upon a showing of cause, exempt indigents, bankruptcy case trustees, individual researchers associated with educational institutions, courts, section 501(c)(3) not-for-profit organizations and pro bono ADR neutrals from payment of these fees. Courts must find that parties from the classes of persons or entities listed above seeking exemption have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information. Any user granted an exemption agrees not to sell for profit the data obtained as a result. Exemptions may be granted for a definite period of time and may be revoked at the discretion of the court granting the exemption.
- II. For printing copies of any record or document accessed electronically at a public terminal in the courthouse: ten cents per page. This fee shall apply to services rendered on behalf of the United States if the record requested is remotely available through electronic access.
- III. For every search of court records conducted by the PACER Service Center, \$20.

JUDICIAL CONFERENCE POLICY NOTES

Courts should not exempt local, state or federal government agencies, members of the media, attorneys or others not members of one of the groups listed above. Exemptions should be granted as the exception, not the rule. A court may not use this exemption language to exempt all users. An exemption applies only to access related to the case or purpose for which it was given.

ELECTRONIC PUBLIC ACCESS FEE SCHEDULE (eff. 9/23/03)
(Contd.)

The electronic public access fee applies to electronic court data viewed remotely from the public records of individual cases in the court, including filed documents and the docket sheet. Electronic court data may be viewed free at public terminals at the courthouse and courts may provide other local court information at no cost. Examples of information that can be provided at no cost include: local rules, court forms, news items, court calendars, opinions, and other information – such as court hours, court location, telephone listings – determined locally to benefit the public and the court.